

Thurgood Marshall

1908-1993

He was the bravest man I've ever known.

Thurgood Marshall was named “Thoroughgood” after his grandfather, a slave, but shortened it in the second grade, saying he was tired of writing out those letters. He was also teased by other kids. His mother was a teacher at an all-Black school in their hometown of Baltimore; his father was a porter on trains and sometimes a waiter in restaurants. His father, however, had a hobby: he loved to attend trials, listening to the arguments on either side. Often, he took his sons along and later at the dinner table, they would re-live the arguments.

At school, Thurgood was often in trouble. To punish him the principal sent him to the basement with a copy of the US Constitution. He couldn't return to class until he had memorized a portion of it. By the time he graduated, he had made his way through the entire document.

He entered all-male, all-Black Lincoln University in 1925 and graduated with honors in 1930. Fellow classmates at Lincoln were writer Langston Hughes; the future president of Ghana, Kwame Nkrumah; and the musician and entertainer, Cab Calloway. He had been the head of the debate team in high school and carried that talent on to college, where he led them, too. All that arguing with his father and watching court cases seems to have paid off!

He had wanted to attend the University of Maryland Law School in his hometown of Baltimore but was rejected, because it was an all-white school. He, therefore, chose to attend Howard University in Washington, DC. When Thurgood entered law school, his mother sold her wedding and engagement rings to pay for school.

While his being rejected by the University of Maryland was unfair and upsetting, it turned out to be a stroke of good luck for Marshall. At Howard, Charles Hamilton Houston became his mentor. Houston was a tireless worker for the NAACP and was the first African American to win a case before the Supreme Court. Marshall graduated from Howard University at the top of his class; in 1934 he joined Houston at the NAACP.

To protest against injustice is the foundation of all our American democracy.

Marshall's first victory was a case against the University of Maryland Law School, which would not admit *another* African American law student. He rose quickly through the ranks and in 1938 was made chief lawyer for the Legal Defense Fund of the NAACP and worked for them for 25 years.



In 1940 he argued his first case before the Supreme Court and won. In fact, he won 29 out of 32 cases he tried before the Court and earned the title of “Mr. Civil Rights.”

Over the years he filed voting rights cases, employment discrimination cases, housing discrimination cases, and all these victories became the blueprint for the 1964 Civil Rights Bill and the 1965 Voting Rights Bill. He and his mentor, Charles Houston, became chief strategists of the Legal Defense Fund. They would travel into the deep south and often would have to hide in people’s houses at night, for fear of being lynched by Ku Klux Klan members before the end of the trial. At one time Marshall oversaw 450 simultaneous cases of the Legal Defense Fund. On the Court of Appeals for the Second Circuit, he wrote 112 opinions, none of which was overturned.

Landmark Cases of the NAACP Legal Defense Fund

Smith v. Allwright 1944—outlawed the all-white Democratic primary in Texas

Shelley v. Kraemer 1948—made it illegal to bar Negroes and other minorities from buying property, even if it is written into the deed

Sweatt v. Painter 1950—made the University of Texas Law School admit Negroes

Brown v. Board of Education 1954—desegregated public schools in Kansas. It then went on to be litigated in other states across the country.

He and his lawyers at the Legal Defense Fund went on to defend Martin Luther King, Jr., Rosa Parks and other Civil Rights activists through the many marches and demonstrations in the early days of the fight for equal justice for African Americans. In 1967, after the Civil Rights Act of 1964 and the Voting Rights Act of 1965, Lyndon B. Johnson nominated Thurgood Marshall to the Supreme Court in 1967. He had previously been named to the US Court of Appeals, then as solicitor

general by LBJ. He said to Marshall, “Thurgood, I’m nominating you because you’re a lot like me: bigger than life, and we come from the same kind of people.” Some maintained Johnson wanted to complete what Lincoln had started, as far as Civil Rights was concerned.

Thurgood Marshall symbolizes what is best about our American society: the belief that human rights must be satisfied through the orderly process of law. –
President Lyndon B. Johnson

Justice Marshall spent 24 years on the Supreme Court. He helped to expand civil rights, enacting affirmative action laws, limiting criminal punishment and acting as a balance for more conservative legal judgments. He was late in his career called “The Great Dissenter,” because he would have to write the often, lone dissent against many decisions.

One of his clerks during his years on the Supreme Court, who later took her place on the Supreme Court, Elena Kagan, said, “This was a man who created opportunities for so many people in this country and improved their lives. I would call him a hero. I would call him the greatest lawyer of the 20th Century.”



Brown v. Board of Education of Topeka, 1954

Brown v. Board of Education was a landmark decision of the U.S. Supreme Court in which the Court ruled that U.S. state laws establishing racial segregation in public schools are unconstitutional, even if the segregated schools are otherwise equal in quality. Handed down in 1954, the Court's unanimous decision stated that "separate educational facilities are inherently unequal", and therefore violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. However, the decision did not spell out any sort of method for ending racial segregation in schools, and only ordered states to desegregate "with all deliberate speed".

The case originated in 1951 when the Topeka, Kansas, public school district refused to enroll the daughter of local black resident Oliver Brown at the school closest to their home, instead requiring her to ride a bus to a segregated black elementary school farther away. Unlike school districts of other states involved in the combined case, in Topeka the lower courts, while still requiring certain remedies, had found that the segregated schools were "substantially equal with respect to buildings, transportation, curricula, and educational qualifications of teachers." Hence with the involvement of the Kansas case the Supreme Court's findings specifically hinged upon the matter of segregation.

The Browns and twelve other black families then filed a class action lawsuit in U.S. federal court against the Topeka Board of Education, alleging that its segregation policy was unconstitutional. A three-judge panel of the U.S. District Court for the District of Kansas rendered a verdict against the Browns, relying on the precedent of the Supreme Court's 1896 decision in *Plessy v. Ferguson*, in which the Court had ruled that racial segregation was not a violation of the Fourteenth Amendment's Equal Protection Clause if the facilities in question were otherwise equal, a doctrine that had come to be known as "separate but equal". The Browns, then represented by NAACP chief counsel Thurgood Marshall, appealed to the Supreme Court, which agreed to hear the case.

The Court's decision in *Brown* partially overruled *Plessy v. Ferguson* by declaring that the "separate but equal" notion was unconstitutional for American public schools and educational facilities. It paved the way for integration and was a major victory of the civil rights movement, and a model for many future impact litigation cases. Of course, it took many years to implement integration across the country.

Bibliography

Thurgood Marshall

Haygood, Wil. *Showdown: Thurgood Marshall and the Supreme Court Nomination That Changed America*. New York: Penguin Random House, 2016.

Williams, Juan. *Thurgood Marshall: American Revolutionary*. New York: Three Rivers Press, 1998.

For young readers—

Dunham, Montrew. *Thurgood Marshall: Childhood of Famous Americans*. New York: Simon and Schuster, 1998.

Gibson, Larry. *Young Thurgood: The Making of a Supreme Court Justice*. New York: Prometheus Books, 2012.

Horn, Geoffrey. *Thurgood Marshall: Trailblazers of the Modern World*. New York: World Almanac Library, 2004.

Kemp, Kristin. *Amazing Americans: Thurgood Marshall*. CA: Teacher Created Materials, 2014.

Winter, Jonah. *Thurgood*. New York: Random House, 2019.